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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,774	01/16/2002	Raymond T. Hsu	020106	1529
23696 7590 10/19/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER PHAN, JOSEPH T	
			ART UNIT 2614	PAPER NUMBER
			NOTIFICATION DATE 10/19/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No. 10/051,774	Applicant(s) HSU ET AL.	
	Examiner Joseph T. Phan	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 65-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

**Claims 65-67,69-71,78-80,81,83-85,90-92,93,95-97,100 and 101 rejected under 35 U.S.C. 102(a) as being anticipated by Sato et al. WO 01/80590 A1.** For applicant's convenience Sato's corresponding English translation is found in reference EP 185125 A1 which was previously sent to Applicant(11/07/2003).

Regarding claims 65 and 102, Sato teaches means and method of broadcasting(Fig.24 and abstract), comprising:  
providing a service ID to identify a broadcast service (*Fig. 25, page 38 line 17-page 39 line 2 and EP reference para 186; the program title and radio channel number is the service ID of the program which identifies it's corresponding broadcast service*);  
sending the service ID to a base station (*fig. 24 and 25; page 38, lines 17-23; [1185]; the program title and other terminal information as shown in fig. 25 is sent to other base stations such as base stations 110-2 -- 110-7 of fig.24*);  
configuring a broadcast service parameters message at the base station that includes the service ID, (*page 38, line 17-page 39, line 2; page 40, lines 25-page 41, line 5; [1185, 1186, 1195]; Fig. 25 shows all of the parameters that are present including radio bases station number, program title, etc. The table is configured by a first base station*

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*and relayed to other adjacent base stations);*

transmitting the broadcast service parameters message to a mobile station (120 Fig.24), (Jap.ref page 32, line 24-page 33, line 1; page 38, line 17-page 39, line 2; page 40, line 25-page 41, line 5; [1155, 1185, 1186,1197], "the radio terminals receive this information transmitted from the radio base station"); and using the service ID in the broadcast service parameters message at the mobile station to determine availability of the broadcast service in an adjacent sector, (page 29, lines 7-10; page 40, lines 25-page 41, line 5; [159,1197]).

Regarding claim 66, Sato teaches wherein the broadcast service is transmitted by a content server, (page 24, lines 17-24; [1112]).

Regarding claim 67, Sato teaches wherein the broadcast service has a service name (program title), (fig. 25).

Regarding claim 69, 83 and 95, Sato teaches wherein the service ID is a globally unique service ID issued by a global issuer, (fig. 2; page 4, lines 13-26; EP reference para 15; servers 251,252,253 issue a unique service ID to other servers).

Regarding claims 70, 78, 90 and 100, Sato teaches wherein the service ID comprises a Broadcast/Multicast Service ID (BCMCS\_ID), (fig. 25; page 38, line 24-page 39, line 2; [EP reference para 186]).

Regarding claim 79, 91 and 101, Sato teaches wherein the BCMCS\_ID is a dual BCMCS\_ID comprising a global indicator to indicate uniqueness of the BCMCS\_ID, (fig. 25; page 38, line 24-page 39, line 2; [para 186]).

Regarding claim 80, Sato teaches a method of broadcasting from a base station

(110-1) (abstract; fig. 24), comprising:

receiving a first broadcast service identified by a first service ID;

receiving a second service ID that identifies a second broadcast service received by a neighboring base station sector (fig. 24; page 40, lines 25-page 41, line 5; page 42, lines 22-page 43, line 1; EP reference para 197 and para 206);

configuring neighbor configuration data that relates to the second broadcast service, (page 40, line 25-page 41, line 5, page 42, lines 1-6; [para 197, para 202]);

configuring a broadcast service parameters message that includes the second service ID and the neighbor configuration data, (page 42, lines 22-page 43, line 20; [para 206-209]); and

transmitting the broadcast service parameters message to a mobile station currently receiving the first broadcast service, (page 32, line 24-page 33, line 1; page 40, line 25-page 41, line 5, page 42, line 22-page 43, line 1, [7155, 7197, 7206]).

Regarding claims 81 and 93, Sato teaches wherein the first broadcast service and the second broadcast service are transmitted by content servers, (fig. 3, page 3, line 29-page 4, line 8, page 24, lines 17-24, [713, 7112]).

Regarding claims 84 and 96, Sato teaches wherein the first service ID comprises a first BCMCS\_ID and wherein the second service ID comprises a second BCMCS ID, (page 38, line 24-page 39, line 2; [7186]).

Regarding claim 92, Sato teaches a method of receiving a broadcast at a mobile station (120) comprising:

receiving a first broadcast service identified by a first service ID from a first base station

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sector, (page 32, line 24-page 33, line 1; page 38, line 17-page 39, line 2; page 40, line 25-page 41, line 5, page 42, line 22-page 43, line 1, [7155,7197, 7206]);

receiving a broadcast service parameters message that includes a second service ID and neighbor configuration data, wherein the second service ID identifies a second broadcast service available from a second base station sector, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 1; [7197, 7206]);

examining the neighbor configuration data that relates to the second broadcast service, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 8; [para 197, 206-207]); and determining, based on the neighbor configuration data, whether the first service ID and the second service ID identify the same broadcast content whereby reception of the broadcast content is continued in the second base station sector, (page 40, line 25-page 41, line 5; page 42, line 22-page 43, line 20; [para 197, 206-209]).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 68,72-75,77,82,86-88,94,98 and 99 rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Chang et al. US Patent Pub. 2002/0102967.**

Regarding claims 68,72-74,77,82,86-87,94,98 and 99, while Sato teaches of receiving by the content server a service ID, Sato does not specifically teach of requesting by the content server the service ID.

However, Sato suggests this since the mobile terminal is requesting content and the content server must be able to request information if the content server is able to retrieve and transmit the information to the mobile terminal.

Nonetheless, Chang teaches that it was well known in the art to request by a content server a service ID from a global/local issuer, (fig. 2; paragraphs 10-13). Chang further teaches dynamically generating a BCMCS\_ID and associating a lifetime value with the BCMCS\_ID, (paragraphs 9 and 13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sato by requesting content from a global or local issuer and generating a BCMCS\_ID as suggested by Chang so that the content server can request data based upon the mobile terminal's needs.

Regarding claims 75 and 88, Sato teaches wherein the service ID comprises a BCMCS\_ID, (page 38, line 24-page 39, line 2; [para 186]).

**3. Claims 71,76,85,89 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato in view of Siddiqui et al. US Patent 6,826,176.**

Regarding claims 71, 76,85,89 and 97, Sato does not specifically teach wherein an IP multicast address and UDP port number are associated with said BCMCS\_ID. In the same field of endeavor, Siddiqui teaches wherein an IP multicast address and

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UDP port number are associated with said BCMCS\_ID, (abstract; col. 2, lines 7-25; col. 3, lines 44-53; col. 4, line 45-col. 5, line 4-, col. 6, line 50-col. 7, line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hsu by associating an IP multicast address and UDP port number with the broadcast service as taught by Siddiqui so that data packets can be routed.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 65-102 have been considered but are moot in view of the new ground(s) of rejection.

While Applicant's amendment necessitated a new grounds of rejection, the Examiner will respond to Applicant's arguments regarding the Sato reference.

Applicant argues that Sato's management table does not teach "service ID" that identifies the multicast service. Examiner respectfully disagrees as Sato does teach service ID that identifies a broadcast service(see *EP reference para 186 and Fig.25, each program title does identify a different program(i.e. broadcast service)*).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., distinguishing between two multicast services broadcast from the same content server on the same radio channel) nor (identifying a multicast service broadcast from two different content servers) are not recited in the rejected claim(s). It is noted, a neighboring sector is read as an area and in one embodiment of Sato is the same base station. Although the claims are interpreted in light of the specification, limitations from



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the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is further noted in Fig.25, that two different program titles(i.e.Service ID's identifying a broadcast service) is sent from the same base station.

Given the broad scope of the claims and "Service ID", the Examiner maintains that the claims as currently recited fully read on Sato until further amendment is made.

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 22, 2007

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